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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,353	02/25/2002	Masakazu Sugimoto	52433/682	7090

26646 7590 10/23/2003

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EXAMINER

FLANDRO, RYAN M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,353

Applicant(s)

SUGIMOTO ET AL.

Examiner

Ryan M Flandro

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 July 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Drawings***

2. The proposed drawing corrections were received on 09 July 2003. These drawings are acceptable. Accordingly, the objection to the drawings set forth in the previous Office action (paper no. 5) is hereby withdrawn.

#### ***Claim Objections***

3. In light of Applicant's cancellation of claims 1-3, 5, and 9-13, the objection to claim 2, set forth in the previous Office action (paper no. 5), is hereby withdrawn.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, neither the written disclosure nor the drawings provide support for a

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tabular member being shaped as a U or V (as recited in claim 14) which also serves as a fixture for another member (recited in dependent claims 17 and 18).

6. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitation in claim 15 that each tabular member reinforcing rib protrudes in the shape of a T *directly conflicts* with previous recitation in claim 14 that said reinforcing ribs are tabular members gradually bent into a shape of U or V protruding from the surface of the columnar member. In essence, each recited shape is mutually exclusive of the other and cannot depend therefrom. Additionally, recitation in claim 16 that said gradually bent portions are formed at a right angle to the direction of the principal stress renders the claim indefinite for the same reasons.

***Claim Rejections - 35 USC § 102***

7. Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Killian (US 5,205,529).

a. Claim 14. Killian clearly shows and discloses a joining structure that is reinforced by welding a columnar structural member 11 to a base plate 12 via reinforcing ribs 16 characterized in that said reinforcing ribs 16 are tabular members gradually bent into a shape of U or V along the surface of the columnar structural member 11 (see e.g. figure 2); and said gradually bent portions having the shape of U or V protrude from the surface of said columnar structural member 11 in a manner in which said gradually bent portions

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(i.e. bent portion between 16 and 17 in figure 2) are located at an end of said reinforcing ribs 16 opposite to said base plate 12 (see also column 3).

b. Claim 15 (as best understood). Killian further shows and discloses an embodiment (see figure 5) wherein each tabular member reinforcing rib 36 extends in a direction of the principal stress of the columnar structural member 31 and protrudes in the shape of a T (see figure 5 where 36 constitutes the stem of the T and 39 constitutes the top cross portion of the T); and said gradually bent portions 41,41' of each tabular member 36 are in a direction deviating from the direction of the principal stress (see figures 4 and 5; column 4 line 60 – column 5 line 13).

c. Claim 16 (as best understood). Killian further shows and discloses said gradually bent portions 41,41' of each tabular member reinforcing rib 36 are formed at a right angle to the direction of the principal stress (see figures 4 and 5; column 4 line 60 – column 5 line 13).

d. Claim 17 (as best understood). Killian further discloses each tabular member 16 serving as a fixture for one or more members to be joined (i.e., figure 2 shows gusset 16 serving as a fixture joining members 11 and 12).

e. Claim 18 (as best understood). Killin lastly discloses at least one tabular member 16 serving as a fixture for a secondary member (i.e., figure 2 shows gusset 16 serving as a fixture joining a secondary member 11 or 12).

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*Response to Arguments*

8. Applicant's arguments with respect to claims 1-3, 5, and 9-13 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RMF



**Lynne H. Browne**  
*Supervisory Patent Examiner*  
Technology Center 3670